

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

2020 APR -9 AM 9:33

United States of America

v.

Mario Benjamin NAVARRO

Case No.

EP20MJ2195-MAT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 6, 2020 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 21 U.S.C. § 952

Offense Description

Defendant unlawfully imported into the United States from Mexico a
 controlled substance, Cocaine 4.12 kgs (9 lbs) gross weight.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Complainant's signature

Vicente Ortega, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/09/2020

*Judge's signature*City and state: El Paso, Texas

Miguel A. Torres US Magistrate Judge

Printed name and title

AFFIDAVIT

On April 6, 2020, Mario Benjamin NAVARRO applied for entry into the United States (US) at the Bridge of the Americas Port of Entry (POE) in El Paso, Texas. NAVARRO was the driver and sole occupant of a silver 2019 Toyota Camry bearing Texas plates MLK6285.

US Customs and Border Protection Officer (CBPO) J. Garcia was conducting vehicle primary inspections duties at the POE and met with NAVARRO. CBPO Garcia asked NAVARRO where he was going, to which NAVARRO replied he was going home. CBPO Garcia asked NAVARRO what the purpose of his visit to Mexico was, to which NAVARRO replied he went to visit his ill brother-in-law. NAVARRO stated did not have anything to declare. CBPO Garcia referred the vehicle to secondary inspection, due to a generated system referral.

CBPO Garcia asked NAVARRO if he was threatened or obligated to bring anything illegal, to which NAVARRO responded no. NAVARRO stated to CBPO Garcia, that he is the owner of the vehicle and he would be responsible for everything in the vehicle. NAVARRO told CBPO Garcia that he had left the vehicle at a carwash (in Ciudad Juarez, Chihuahua) the day before for service and picked it up two (2) hours later.

CBPO E. Gutierrez, while working Z portal duties, observed anomalies in the rear passenger seat of the vehicle. CBP Canine Enforcement Officer J. Espinoza, observed that his K9 "Taz" alerted to the rear passenger side door of the vehicle.

CBPO Gutierrez asked NAVARRO where he was going, to which NAVARRO replied he was going to Walmart. CBPO Gutierrez asked NAVARRO he had loaned the vehicle to anyone, to which NAVARRO replied no. NAVARRO told CBPO Gutierrez that he had been to a carwash in the morning. CBPO asked NAVARRO if he was present with the vehicle until the service was done, but NAVARRO replied that he had gone home and went back for it an hour later. CBPO Gutierrez obtained a negative declaration from NAVARRO.

CBPOs found two (2) wrapped bundles, under the rear passenger seat, which contained a white powdery substance. Supervisory CBPO B. Papke field tested the substance with Gemini, which tested positive for the properties of cocaine. On April 7, 2020, during a subsequent search of the vehicle CBPOs J. Garcia and E. Perez located a third bundle under the plastic cover of the sending unit, which is located right under the rear seat of the vehicle. The bundle also contained a white substance that field-tested positive for the properties of cocaine. The approximately total weight of the three (3) bundles was 4.12 kilograms (9 lbs.).

Homeland Security Investigations (HSI) Special Agents (SA) Vicente Ortega and Rogelio Quinonez were called to investigate. SA Ortega advised NAVARRO of his Miranda warnings in the Spanish language with SA Quinonez as a witness. NAVARRO waived his rights

and agreed to make a statement without an attorney present. The interview was recorded with an audio and visual recording device as per HSI policy.

SA Quinonez asked NAVARRO if he knew why he was detained, to which NAVARRO replied I don't know, but I imagine it is because of something you are not supposed to cross.

NAVARRO stated he was going to Walmart to buy groceries for his wife. NAVARRO stated that his wife had asked him to buy tortillas from Walmart. During the interview, NAVARRO received a call from his wife, the SAs heard when she stated that she had forgotten to ask him to buy tortillas and she was calling him to tell him.

NAVARRO also told the SAs that he had taken his vehicle to a carwash the day before and taken it home after.

SAs noted that NAVARRO contradicted himself when he gave different versions to the CBPOs and SAs, about the date he had taken the vehicle to the carwash, where he was going, and where he was coming from, the day of the arrest.

During a search of the vehicle, SA Quinonez located several sheets of carbon paper in the pocket located behind the driver seat. SA have knowledge that the same carbon paper sheets are used by drug trafficking organizations to wrap bundles of narcotics, as they believe it makes it harder to detect the bundles with x-ray machines.

NAVARRO was in possession of \$2,010 US currency and \$2,060 Mexican pesos. SAs asked NAVARRO, which he replied had gotten it from his Social Security check.

NAVARRO received a call on his cellular phone from a Mexican number. SAs observed that NAVARRO appeared to be nervous and stated did not recognize the number. When NAVARRO answered the call, an unknown male asked NAVARRO if he was okay, to which NAVARRO replied yes. The unknown person told NAVARRO that he was calling on behalf of his son, because his son had been calling him (NAVARRO) and he did not answer. The SAs observed that NAVARRO's cellphone did not have any missed calls from his son.

SA Ortega asked NAVARRO if he was afraid of the people from Mexico, referring to the people that had given him the narcotics, to which NAVARRO replied, I rather not answer that question.